

# FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE BALTIMORE, MD 21203

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HOULIHAN, LOKEY, HOWARD & ZUKIN,  
INC.,

Plaintiff,

-against-

LORRE JAY,

Defendant.

Bond Number CGB 8892490

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/8/07

Undertaking for Temporary  
Restraining Order

07 CV 4782 (LTS)

WHEREAS, by an Order of the above entitled Court, HOULIHAN, LOKEY, HOWARD & ZUKIN, INC. is required to file an undertaking in the sum of SEVENTY-FIVE THOUSAND AND 00/100THS (\$75,000.00) DOLLARS as a condition for a Temporary Restraining Order to be in effect restraining and enjoining the Defendant from the commission of certain acts as more fully set forth in said Order.

NOW, THEREFORE, the FIDELITY & DEPOSIT COMPANY OF MARYLAND a corporation organized and existing under the laws of Maryland and authorized to transact the business of Surety, in the State of New York at 105 East 17<sup>th</sup> Street, New York, NY 10003, as Surety, in consideration of the premises and the issuance of said Temporary Restraining Order does hereby undertake to pay all costs and disbursements that may be decreed to said Defendant and such damages not exceeding the amount of SEVENTY-FIVE THOUSAND AND 00/100THS (\$75,000.00) DOLLARS, as Defendant may sustain by reason of said Temporary Restraining Order the same be wrongful and without sufficient cause.

IN WITNESS WHEREOF, we have set our hand and seal on the 8<sup>th</sup> day of June, 2007.

FIDELITY & DEPOSIT COMPANY OF MARYLAND

Maria Sponza

Attorney-In-Fact

Approved  
6/8/07  
S. Michael M. Mahan  
Clerk  
B. H.  
Rec'd 6/8/07

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Sybil LEVINE, Maria SPONZA, Anita HUNTER, Margaret MCLAUGHLIN and Carol LEVINE, all of New York, New York, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: ~~any and all bonds and undertakings~~, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Maria SPONZA, Anita HUNTER, Carol LEVINE, Sybil LEVINE, Margaret MCLAUGHLIN, dated August 5, 2004.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 26th day of August, A.D. 2004.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



*Eric D. Barnes*

Eric D. Barnes

By:

*Theodore G. Martinez*

Theodore G. Martinez

State of Maryland } ss:  
 City of Baltimore }

On this 26th day of August, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Dennis R. Hayden*

Dennis R. Hayden

Notary Public

My Commission Expires: February 1, 2009



# FIDELITY AND DEPOSIT COMPANY

OF MARYLAND  
3910 KESWICK ROAD, BALTIMORE, MD 21203

## Statement of Financial Condition As Of December 31, 2006

### ASSETS

Bonds .....	\$ 150,563,710
Stocks .....	39,367,826
Cash and Short Term Investments .....	38,939,878
Reinsurance Recoverable .....	8,609,769
Other Accounts Receivable .....	25,762,452
<b>TOTAL ADMITTED ASSETS .....</b>	<b>\$ 263,243,635</b>

### LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses .....	\$ 625,582
Ceded Reinsurance Premiums Payable .....	32,539,586
Securities Lending Collateral Liability .....	35,322,207
<b>TOTAL LIABILITIES .....</b>	<b>\$ 68,487,375</b>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	189,756,260
Surplus as regards Policyholders .....	194,756,260
<b>TOTAL .....</b>	<b>\$ 263,243,635</b>

Securities carried at \$33,209,464 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2006 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$261,193,375 and surplus as regards policyholders \$192,706,000.

I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2006.

Corporate Secretary

State of Illinois  
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 20th day of March, 2007.

Notary Public

